



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/769,776

02/03/2004

Kenichi Shiba

Q79666

9279

23373

7590

09/21/2006

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

CHEN, WEN YING PATTY

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/769,776	Applicant(s) SHIBA, KENICHI	
	Examiner W. Patty Chen	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's Amendment filed Jul. 5, 2006 has been received and entered. Claims 2 and 4 are cancelled per the Amendment filed. Therefore, claims 1, 3 and 5-18 remain pending in the current application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Peng (US 6809713).

With respect to claim 1 (Amended): Peng discloses in Figure 2 a display-positioning mechanism for positioning a display inside a casing which is structured by a first casing body (element 2) and a second casing body (element 1), which is attached to the first casing body, the mechanism comprising:

a base (element 4) which is fixed in the casing;

a provisional fixing member (element 51 combined with element 43; Column 2, lines 61-63) which attaches the display to the base such that the display is movable within a

Art Unit: 2871

predetermined range relative to the base (since only one corner of the LCD is attached to the base, thus the LCD is movable relative to the base); and

a positioning portion (Figure 3, element 16; Column 3, lines 47-52) for restricting movement of the display at a time of attachment of the second casing body to the first casing body, and retaining the display at a predetermined position,

wherein the base (element 4) is fixed to the first casing body (via element 261), and

wherein the positioning portion is provided at the second casing body (as shown in Figure 3).

With respect to claim 13 (Amended): Peng discloses in Figure 2 a display-positioning mechanism for positioning a display inside a casing which is structured by a first casing body (element 2) and a second casing body (element 1), which is attached to the first casing body, the mechanism comprising:

a base (element 4) which is fixed to the first casing body (via element 261);

a provisional fixing member (element 51 combined with element 43; Column 2, lines 61-63) which attaches the display to the base such that the display is movable within a predetermined range relative to the base (since only one corner of the LCD is attached to the base, thus the LCD is movable relative to the base); and

a positioning portion (Figure 3, element 16; Column 3, lines 47-52) which is provided at the second casing body for restricting movement of the display at a time of attachment of the second casing body to the first casing body, and retaining the display at an accurate position relative to the display aperture portion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US 6809713) in view of Kendall (US 5775233).

Peng discloses all of the limitations set forth in claim 1, but fails to specifically disclose that the provisional fixing member comprises a stepped screw instead of the disclosed bolt.

However, it is obvious to one of ordinary skill in the art to use a stepped screw in place of the bolt as attaching means, since it is evident by Kendall, as Kendall discloses in Column 3 lines 37-41 that screws and bolts are art recognized equivalent methods of fastening.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a display-positioning mechanism for positioning a display inside a casing as taught by Peng, wherein a stepped screw is used instead of bolts, since screws and bolts are art recognized equivalent methods of fastening.

Art Unit: 2871

Claims 5-7 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US 6809713) in view of Kim et al. (US 2003/0058380).

Peng discloses all of the limitations set forth in claim 1, but fails to disclose that the positioning portion comprises a plurality of projections formed integrally with the second casing body capable of restricting movement of the display in all directions.

However, Kim et al. disclose in Figure 16 positioning portions that comprises a plurality of projections (elements 530-533, 540-543, 511, 512) formed integrally with the second casing body and are capable of restricting movement of the display in all directions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a display-positioning mechanism for positioning a display inside a casing as taught by Peng, wherein the positioning portion comprises a plurality of projections formed integrally with the second casing body capable of restricting movement of the display in all directions, since Kim et al. teach that the projections tightly attaches the second casing to the first casing and helps to restrict movements of the display panel (Paragraphs 0079 and 0091-0092).

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US 6809713) in view of Kan-o (US 6525790).

Peng discloses all of the limitations set forth in claim 1, but fails to disclose that the display comprises a frame portion having a resilient member formed integrally within for pushing the display against an inner face of the second casing body.

However, Kan-o further in Figure 1 a display comprising a frame portion (element 41), and a resilient member (element 44) formed integrally with the frame portion for pushing the display against an inner face of the second casing body (Column 9, lines 9-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a display-positioning mechanism for positioning a display inside a casing as taught by Peng, wherein the display further comprises a frame portion having a resilient member as taught by Kan-o, so that when the display is under external impact, the display is able to retain in the casing while still be fixed in the desired position.

Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US 6809713) and Kan-O (US 6525790) in view of Lee (US 6665025).

Peng and Kan-o disclose all of the limitations set forth in the previous claims, but fail to disclose a base comprising a reference potential terminal and a reference potential-receiving terminal for electrically contacting with the reference potential terminal.

However, Lee discloses in Figure 4 a base (element 200) comprising a reference potential terminal (element 212') and a reference potential-receiving terminal (element 270), which could also be the same as the reference potential terminal, in order to maintain a reference potential of the display (Column 4, lines 11-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a reference potential terminal and the reference potential-receiving terminal as taught by Lee in the display device taught by Peng and Kan-o, since Lee teaches that by having a reference potential terminal and the reference potential-receiving

Art Unit: 2871

terminal electromagnetic wave interference can be minimized, and therefore, enhance the product's reliability (Column 2, lines 28-30).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US 6809713), Kan-O (US 6525790) and Lee (US 6665025) in view of Sun (US 6226535).

Peng, Kan-o and Lee disclose all of the limitations set forth in claim 10, but they do not disclose the resilient member with functionality as a reference potential-receiving terminal.

However, Sun discloses in Figure 4 a resilient member (element 20) that is capable of functioning as a reference potential-receiving terminal (Column 2, lines 59-62; Column 3, lines 49-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to form the resilient member and the reference potential-receiving terminal as taught by Sun in the display device taught by Peng, Kan-o and Lee so that with the resilient member and the reference potential-receiving terminal being one piece, the number of parts can be reduced to improve and simplify the general structure while still maintaining the original functions (Abstract).

Response to Arguments

Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. Patty Chen whose telephone number is (571)272-8444. The examiner can normally be reached on 8:00-5:00 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms can be reached on (571)272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2871

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

W. Patty Chen
Examiner
Art Unit 2871

WPC
9/16/06


ANDREW SCHECHTER
PRIMARY EXAMINER